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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,136	10/10/2001	Dexu Zhu	524022000100	8877

25225 7590 06/13/2003

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EXAMINER	
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ZUCKER, PAUL A

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 06/13/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,136

Applicant(s)

ZHU ET AL.

Examiner

Paul A. Zucker

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-9, 11, 13-17 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2, 10, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Current Status

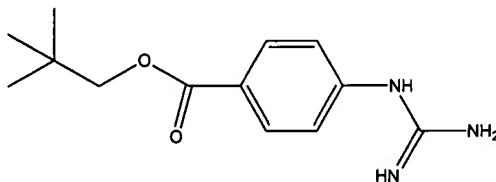
1. This action is responsive to Applicants' amendment and supplemental declaration of 1 April 2003 in Papers No 11 and 12, respectively.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Claims 1-21 remain pending.
4. The objection to the specification set forth in paragraph 11 of the previous Office Action in Paper No 10 is withdrawn in response to Applicant's amendment.
5. The objection to the claims set forth in paragraph 12 of the previous Office Action in Paper No 10 is withdrawn in response to Applicant's amendment.
6. The rejections under 35 USC § 112, second paragraph, set forth in paragraph 13 of the previous Office Action in Paper No 10 is withdrawn in response to Applicant's amendment.
7. The rejection under 35 USC § 103 set forth in paragraph 14 of the previous Office Action in Paper No 10 is withdrawn in response to Applicants' argument (Page 7, amendment, 3rd full paragraph).

New Rejections and Objections

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sperl et al (Proceedings of the National Academy of Sciences of the United States of America, (4-aminomethyl)Phenylguanidine Derivatives as Nonpeptidic Highly Selective Inhibitors of Human Urokinase 2000, 97(10), pages 5113-5118). Sperl discloses (Page 5114, column 1, Table 1, entry 2) the compound having the following structure:



This corresponds to a compound of the instantly claimed genus of claim 1 in which $n = 0$; $R = C_5$ alkyl. Sperl further discloses (Page 5114, column 1, Table 1, entry 2, columns 3-5) enzyme assays of these compounds. These assay solutions of the compound correspond to pharmaceutical compositions of the compound in a pharmaceutically acceptable carrier (water). Claims 1, 3 and 4 are therefore anticipated by Sperl.

Claim Objections

9. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claim 4 is objected to because of the following informalities: The word "pharmaceutically" on line 1 should be changed to "pharmaceutical". Appropriate correction is required.

11. Claim 10 is objected to because of the following informalities: The word "be" should be added after the word "to" on line 2. Appropriate correction is required.
12. Claim 12 is objected to because of the following informalities: The word "a" should be added after the word "is" on line 1. Appropriate correction is required.
13. Claim 18 is objected to because of the following informalities: The second word "to" on line 2 should be changed to the word "for". Appropriate correction is required.

Allowable Subject Matter

14. Claims 2, 4, 10, 12 and 18 are drawn to allowable subject matter. Claims 5-9, 11 13-17 and 19-21 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The instantly claimed compound (claim 2) and methods for use for the genus of compounds of Formula I is neither disclosed nor fairly suggested by the closest prior art of record: Kamoda et al (US 6,284,791 09-2001), Satoh et al (US 4,732,916 03-1988). Applicants' argument (Page 7, amendment, 3rd full paragraph) that there is no motivation to combine the teachings of Kamoda and Satoh since the compounds of Satoh do not, and are not taught to, have activity against *H. pylori* was found persuasive. One of ordinary skill in the art would not, therefore, have been motivated to combine the teachings of Satoh with those of Kamoda who teaches anti- *H. pylori* agents. The instantly claimed compounds and methods for their use are therefore patentable over the teachings of Kamoda and Satoh.

Conclusion

15. Claims 1-21 are pending. Claims 1, 3 and 4 are rejected. Claims 2, 10, 12 and 18 are objected to. Claims 5-9, 11, 13-17 and 19-21 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Zucker whose telephone number is 703-306-0512. The examiner can normally be reached on Monday-Friday 7:00-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 703-308-4532. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Art Unit: 1621

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Paul A. Zucker
Patent Examiner
Technology Center 1600

June 12, 2003


Johann Richter, Ph.D., Esq.
Supervisory Patent Examiner
Technology Center 1600